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| 08/023, 918 | 02/26/93 | SCHOFIELD | K 690, 2200 |
| | | EXAMINER | |
| | | NGUYEN, T | |
| | | ART UNIT | PAPER NUMBER |
| | | 2507 | 8 |
| DATE MAILED: 04/06/94 | | | |

ESM1/0406
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NEW YORK, NY 10172

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892. 2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449. 4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474. 6.

Part II SUMMARY OF ACTION

1. Claims 1-87 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims 1-11, 13-14, 16-18, 27-45 are allowed.

4. Claims 12, 15, 19-26, 46-51, 53-60, 62-70, 76 and 78-80 are rejected.

5. Claims 52, 61, 71-76, 77 and 81-87 are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____ has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____ filed on _____

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

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This application has been filed with drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Note the comments of the Office draftsman on the attached form PTO-948.

The abstract is objected to because the term "means" is used.

Applicant is reminded of the proper language and format of an Abstract of the Disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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Claims 12, 15, 19-26, 46-49, 53-60, 62-70, and 78-80 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 12 is vague and indefinite because the feature "the electrical signals from said memory" (lines 5-6) lacks a proper antecedent basis.

b) Claim 15 is vague by the recitation thereof "said signal processor...rearview mirror" (lines 2-7). It is unclear what applicant means by "varies the exposure...rearview mirror" (lines 5-7). How can the processor vary the exposure time by depending on the background light level? Further, what "the exposure time" do applicants imply here?

c) Claim 19 is vague and indefinite by the recitation thereof "said signal...positive member" (lines 2-7). It is entirely unclear what applicants mean by "an average of X percent of the photosensor element signals" (lines 4-5).

d) Claims 21 and 24 are rejected for the similar reason listed in part c above.

e) Claim 46 is vague and indefinite for the following reasons: First, the feature "a photosensor array...area" (lines 7-8) is unclear. Which "rear area" do applicants imply here? Second, the feature "a plurality...associated therewith" (lines

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23-25) is not understood. What do applicants mean by "to different...associated therewith" (lines 24-25)? and third, the claim is incomplete. The claim recites that each of the mirrors is changed its reflectant characteristic due to a drive signal applied thereto; however, the claim does not teach a structural limitation between the mirror(s) and the drive circuit(s). Applicant should note that the claim teaches the drive circuit(s) is/are connected to the control circuit only. See lines 23-25.

f) Claim 49 is vague and indefinite because the feature "said light from at least one side window area" (lines 5-6) lacks a proper antecedent basis.

g) Claims 53, 55, 58 and 78-80 are rejected for the same reason listed in part c above.

h) Claim 62 is unclear by the recitation thereof "said desired reflectance...light level" (lines 2-5). This recitation is confusing with respect to the recitation "desired reflectance...light signals" provided in base claim 51, lines 3-6. Applicant should note that the base claim 51 recites that a background light level and a peak light level are provided to the determining means. As a result, which light level is a background level and which light level is a peak light level is clearly determined before the light level enters the determining means. However, claim 62 recites that the determining means comprises a

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testing means for testing whether a light level is a peak or background light level (?).

i) The remaining claims are dependent upon the rejected base claims and thus inherit the deficiencies thereof.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 50-51 and 76 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bechtel et al (U.S. Patent No. 4,917,477).

Bechtel et al disclose an automatic rearview mirror system and teach a detecting means for detecting an ambient light, a detecting means for detecting glare causing light, and a control circuit for outputting a control signal based on the detected light signals. It is noted that 1) the ambient light acts as a background light with respect to the glare causing light and 2) the detecting means for detecting the ambient light and the detecting means for detecting glare causing light are arranged in a structural relationship and mounted on the rear portion of the variable reflectance mirror.

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Claims 50 and 76 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Fukada et al. See Fukada et al, columns 2-5 and claim 1, for example.

Claims 1-11, 13-14, 16-18, and 27-45 are allowable over the prior art of record.

Claims 52, 61, 71-75, 77, and 81-87 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art submitted by applicant has been considered. The additional reference is cited as of interest in that it teaches a control system having sensing means for the purpose of changing the reflectant characteristic of a rearview mirror.

Papers related to this application may be submitted to Group 2500 by facsimile transmission. Papers should be faxed to Group 2500 via the PTO Fax Center located in Crystal Plaza 2. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP-2 Fax Center number is (703) 308-1753.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exam. Nguyen whose telephone number is (703) 308-4814.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Nguyen

Nguyen

04/02/94

W. Loh

LOHA BEN
SUPERVISORY PATENT EXAMINER
GROUP 2500